

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

A. Examiner Interview Summary

Initially, the Applicant wishes to thank Examiner Anna Skibinsky, Examiner E. DeJong and Supervisory Examiner Ardin Marschel for their courtesy and assistance provided to Professor Southern and his representatives during the personal interview held on June 9, 2006. The Examiner questioned the support for the term "porous" in claim 17. Support is found in the specification at page 11, line 1 and page 12, line 10.

The foregoing amendments require the oligonucleotides of all claims to have predetermined sequences. It was explained that the term "predetermined" corresponds to the same claim recitations found in the independent claims of U.S. Patent No. 5,700,637 and U.S. Patent No. 6,054,270. Such claim recitations were added to the claims of the '637 and '270 patents after interviews with Examiner Ardin Marschel in each application. In those applications the Examiner had contended that the former claim recitation regarding the oligonucleotides having "defined" sequences may have been indefinite in that any polynucleotide sequence is inherently capable of being defined. The Examiner agreed that the recitation of the oligonucleotides having predetermined sequences was definite and helped to define over the prior art. As stated in the reasons for allowance by the Examiner in the application issuing as the '270 patent, "... the phrase "predetermined sequences" ... is interpreted to require that the complete sequence of each and every oligonucleotide probe on the array surface is known during the practice of the instant claim steps." A copy of the Examiner's Reasons for Allowance in the '270 patent is enclosed for the Examiner's convenience.

Claims 52-54 are accordingly cancelled.

B. Responsive to the Official Action dated October 11, 2006

The Official Action constitutes are requirement for restriction.

Applicant elect to prosecute the invention of Group I, claims 17-27, 37-41 and 46-63. If possible, the Applicant would also appreciate examination of the kit claims 82-84.

Favorable action on the merits is solicited.

Respectfully submitted,

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